

**SUPPLEMENTAL DECLARATION  
AND POWER OF ATTORNEY**

#8  
9/17/97

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. underneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

**METHODS FOR GENERATING AND SCREENING NOVEL METABOLIC PATHWAYS**

and for which a patent application:

- ☐ is attached hereto and includes amendment(s) filed on \_\_\_\_\_ (if applicable)
- ☒ was filed in the United States on April 24, 1996 as Application Serial No. 08/639,255 (for declaration not accompanying application) with amendment(s) filed on \_\_\_\_\_ (if applicable)
- ☐ was filed as PCT international application Serial No. \_\_\_\_\_ on \_\_\_\_\_ and was amended under PCT Article 19 on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

APPLICATION NUMBER	FILING DATE

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED
08/427,348	April 24, 1995			X
08/427,244	April 24, 1995			X

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint S. Leslie Misrock (Reg. No. 18872), Harry C. Jones, III (Reg. No. 20280), Berj A. Terzian (Reg. No. 20060), Gerald J. Flintoft (Reg. No. 20823), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Isaac Jarkovsky (Reg. No. 22713), Joseph V. Colaanni (Reg. No. 20019), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas E. Friebe (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Jon R. Stark (Reg. No. 30111), Allan A. Fanucci (Reg. No. 30256), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Albert P. Halluin (Reg. No. 25227), Samuel B. Abrams (Reg. No. 30605), Steven I. Wallach (Reg. No. 35402), Marcia H. Sundeen (Reg. No. 30893), Paul J. Zegger (Reg. No. 33821), Edmond R. Bannon (Reg. No. 32110), Bruce J. Barker (Reg. No. 33291), Adriane M. Antler (Reg. No. 32605), Ann L. Gisolfi (Reg. No. 31956), SaraLynn Mandel (Reg. No. 31853), Mark A. Farley (Reg. No. 33170), James G. Markey (Reg. No. 31636), and Charles F. Hoyng (Reg. No. 35548), all of Pennie & Edmonds LLP, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 2730 Sand Hill Road, Menlo Park, CA 94025, and each of them, my attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith.

<b>SEND CORRESPONDENCE TO:</b> PENNIE & EDMONDS LLP 1155 AVENUE OF THE AMERICAS NEW YORK, N.Y. 10036-2711						<b>DIRECT TELEPHONE CALLS TO:</b> PENNIE & EDMONDS LLP DOCKETING (212) 790-2803	
201	FULL NAME OF INVENTOR	LAST NAME Thompson	FIRST NAME Katie	MIDDLE NAME A.			
	RESIDENCE & CITIZENSHIP	CITY Del Mar	STATE OR FOREIGN COUNTRY California		COUNTRY OF CITIZENSHIP U.S.A.		
	POST OFFICE ADDRESS	STREET 12991 Caminito Bodega	CITY Del Mar	STATE OR COUNTRY California	ZIP CODE 92014-3818		
202	FULL NAME OF INVENTOR	LAST NAME Foster	FIRST NAME Lyndon	MIDDLE NAME M.			
	RESIDENCE & CITIZENSHIP	CITY Carlsbad	STATE OR FOREIGN COUNTRY California		COUNTRY OF CITIZENSHIP U.S.A.		
	POST OFFICE ADDRESS	STREET 968 Beach Crest Court	CITY Carlsbad	STATE OR COUNTRY California	ZIP CODE 92009		
203	FULL NAME OF INVENTOR	LAST NAME Peterson	FIRST NAME Todd	MIDDLE NAME C.			
	RESIDENCE & CITIZENSHIP	CITY Chula Vista	STATE OR FOREIGN COUNTRY California		COUNTRY OF CITIZENSHIP U.S.A.		
	POST OFFICE ADDRESS	STREET 652 Diamond Drive	CITY Chula Vista	STATE OR COUNTRY California	ZIP CODE 91911		
204	FULL NAME OF INVENTOR	LAST NAME Nasby	FIRST NAME Nicole	MIDDLE NAME Marie			
	RESIDENCE & CITIZENSHIP	CITY San Diego	STATE OR FOREIGN COUNTRY California		COUNTRY OF CITIZENSHIP U.S.A.		
	POST OFFICE ADDRESS	STREET 4656 Niagara Avenue	CITY San Diego	STATE OR COUNTRY California	ZIP CODE 92107		
205	FULL NAME OF INVENTOR	LAST NAME Brian	FIRST NAME Paul	MIDDLE NAME			
	RESIDENCE & CITIZENSHIP	CITY San Diego	STATE OR FOREIGN COUNTRY California		COUNTRY OF CITIZENSHIP United Kingdom		
	POST OFFICE ADDRESS	STREET 4179 3rd Avenue, No. 504	CITY San Diego	STATE OR COUNTRY California	ZIP CODE 92103		

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201  Katie A. Thompson		SIGNATURE OF INVENTOR 202  Lyndon M. Foster		SIGNATURE OF INVENTOR 203  Todd C. Peterson	
DATE  5/13/97		DATE  5/13/97		DATE  5/13/97	
SIGNATURE OF INVENTOR 204  Nicole M. Nasby		SIGNATURE OF INVENTOR 205  Paul Brian		SIGNATURE OF INVENTOR 206	
DATE  5/13/97		DATE  5/13/97		DATE	

## ASSIGNMENT

WHEREAS, WE, Nicole M. Nasby and Paul Brian, ASSIGNORS, citizens of the United States and the United Kingdom, respectively, residing at 4656 Niagara Avenue, San Diego, California 92107; and 4179 3rd Avenue, No. 504, San Diego, California 92103, respectively, are co-inventors with Katie A. Thompson, Lyndon M. Foster, and Todd C. Peterson, citizens of the United States, residing at 12991 Caminito Bodega, Del Mar, California 92014-3818; 968 Beach Crest Court, Carlsbad, California 92009; and 652 Diamond Drive, Chula Vista, California 91911, respectively, of the invention in

### Methods for Generating and Screening Novel Metabolic Pathways

for which we have executed an application for a Patent of the United States

- ☒ which is identified by Pennie & Edmonds LLP docket no. 8757-005
- ☒ which was filed on April 24, 1996, Serial No. 08/639,255

and WHEREAS, CHROMAXOME CORPORATION, a corporation having an address at 3550 GENERAL ATOMICS COURT, SAN DIEGO, CALIFORNIA 92121, ASSIGNEE is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey our entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

Date May 13, 1997 Nicole M. Nasby L.S.  
Nicole M. Nasby

State of California )  
County of San Diego ) SS.:

On this 13<sup>th</sup> day of May, 1997, before me, a Notary Public in and for the State and County aforesaid, personally appeared Nicole M. Nasby, to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.

Cheryl Erdanick Swift  
Notary Public.  
Seal of the State of California  
Cheryl Erdanick Swift  
Comm #1068530  
NOTARY PUBLIC - CALIFORNIA  
SAN DIEGO COUNTY  
Comm Exp Aug. 10, 1999

Date May 13, 1997 P. Brian L.S.  
Paul Brian

State of California )  
County of San Diego ) SS.:

On this 13<sup>th</sup> day of MAY, 1997, before me, a Notary Public in and for the State and County aforesaid, personally appeared Paul Brian, to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.

Cheryl Urdanick Swift  
Notary Public.



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AND POWER OF ATTORNEY**

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My residence, post office address and citizenship are as stated below at 201 et seq. underneath my name.

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APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			YES <input type="checkbox"/> NO <input type="checkbox"/>

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APPLICATION NUMBER	FILING DATE

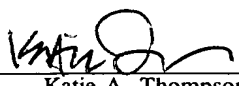
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201	FULL NAME OF INVENTOR	LAST NAME Thompson	FIRST NAME Katie	MIDDLE NAME A.	
	RESIDENCE & CITIZENSHIP	CITY Del Mar	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	STREET 12991 Caminito Bodega	CITY Del Mar	STATE OR COUNTRY California	ZIP CODE 92014-3818
202	FULL NAME OF INVENTOR	LAST NAME Foster	FIRST NAME Lyndon	MIDDLE NAME M.	
	RESIDENCE & CITIZENSHIP	CITY Carlsbad	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	STREET 968 Beach Crest Court	CITY Carlsbad	STATE OR COUNTRY California	ZIP CODE 92009
203	FULL NAME OF INVENTOR	LAST NAME Peterson	FIRST NAME Todd	MIDDLE NAME C.	
	RESIDENCE & CITIZENSHIP	CITY Chula Vista	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	STREET 652 Diamond Drive	CITY Chula Vista	STATE OR COUNTRY California	ZIP CODE 91911
204	FULL NAME OF INVENTOR	LAST NAME Nasby	FIRST NAME Nicole	MIDDLE NAME Marie	
	RESIDENCE & CITIZENSHIP	CITY San Diego	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	STREET 4656 Niagara Avenue	CITY San Diego	STATE OR COUNTRY California	ZIP CODE 92107
205	FULL NAME OF INVENTOR	LAST NAME Brian	FIRST NAME Paul	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY San Diego	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP United Kingdom	
	POST OFFICE ADDRESS	STREET 4179 3rd Avenue, No. 504	CITY San Diego	STATE OR COUNTRY California	ZIP CODE 92103

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201  Katie A. Thompson	SIGNATURE OF INVENTOR 202 _____ Lyndon M. Foster	SIGNATURE OF INVENTOR 203 _____ Todd C. Peterson
DATE JUNE 23 1997	DATE	DATE
SIGNATURE OF INVENTOR 204 _____ Nicole M. Nasby	SIGNATURE OF INVENTOR 205 _____ Paul Brian	SIGNATURE OF INVENTOR 206
DATE	DATE	DATE